

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, ) CASE NO. CR 05-391 RSM  
12 v. )  
13 IAN FUHR, ) DETENTION ORDER  
14 Defendant. )

16 Offense charged: CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCES

18 | Date of Detention Hearing: November 22, 2005.

19           The Court, having conducted a contested detention hearing pursuant to Title 18  
20 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention  
21 hereafter set forth, finds that no condition or combination of conditions which the defendant  
22 can meet will reasonably assure the appearance of the defendant as required and the safety  
23 of any other person and the community. The Government was represented by Ron  
24 Friedman and Rich Cohen. The defendant was represented by Stephen Illa.

**DETENTION ORDER  
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1           FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

2           (1) There is probable cause to believe the defendant committed the drug  
3           offense of Conspiracy to Distribute Controlled Substances.

4           The maximum penalty is in excess of ten years.

5           There is therefore a rebuttable presumption against the defendant's  
6           release based upon both dangerousness and flight risk, under Title 18  
7           U.S.C. § 3142(e).

8           (2) Nothing in this record satisfactorily rebuts the presumption against  
9           release for several reasons: Using the factors below, under Title 18 §  
10           3142 (g), the Court considered the following:

11           (a) The nature and circumstances of the offense charged, including  
12           whether the offense is a crime of violence or involves a narcotic  
13           drug. Here, the Defendant Ian Fuhr is alleged to have been the  
14           leader of this conspiracy to distribute cocaine, cocaine base and  
15           oxycodone and marijuana. This conspiracy was investigated  
16           through the use of a court-authorized wiretap. On the wiretap this  
17           defendant was heard arranging for the multiple deliveries of  
18           cocaine from co-defendant Carlos Ford. He also is heard on the  
19           court-authorized wiretap as soliciting the *killing* of another person  
20           as restitution for a drug debt owed to him. He is alleged to have  
21           purchased ten cell phones to equip other members of the  
22           conspiracy.

23           (b) The weight of the evidence. Inasmuch as an electronic wiretap  
24           was used in this case with evidence of the defendant's voice  
25           recorded, along with the use of confidential informants who had  
26           direct contact with the defendant, the weight of evidence against

1                   this defendant is strong.

- 2                   (c) The history and characteristics of the person, including:  
3                   The person's character, physical and mental condition, family  
4                   ties, employment, financial resources, length of residence in the  
5                   community, community ties, past conduct, history relating to drug  
6                   or alcohol abuse, criminal history, record concerning appearance  
7                   at court proceedings, and whether at the time of the current  
8                   offense or arrest, the person was on probation, on parole, on  
9                   other release pending trial, sentencing, appeal, or completion of  
10                  sentence of an offense under Federal, State, or local law.

11                  Here, the Government points to the defendant's involvement as  
12                  dangerous inasmuch as he is heard soliciting the killing of  
13                  another. He also is heard on the wiretap as committing himself as  
14                  a "Hoover Crip forever."

- 15                  (d) Risk of danger to the community.  
16                  Here the government argues that in addition to the risk of  
17                  continued involvement in drug sales and trafficking, this  
18                  defendant poses a danger of committing violent crimes against  
19                  others. In addition to what is stated above, this defendant's home  
20                  was searched wherein assault weapons and revolvers were seized.

- 21                  3) Based upon the foregoing information which is consistent with the  
22                  recommendation of U.S. Pre-trial Services, it appears that there is no  
23                  condition or combination of conditions that would reasonably assure  
24                  future Court appearances and/or the safety of other persons or the  
25                  community.

**It is therefore ORDERED:**

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
  - (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
  - (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
  - (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 25<sup>th</sup> day of November, 2005.

  
MONICA J. BENTON  
United States Magistrate Judge